

Los Angeles Unified School District

Office of Environmental Health and Safety

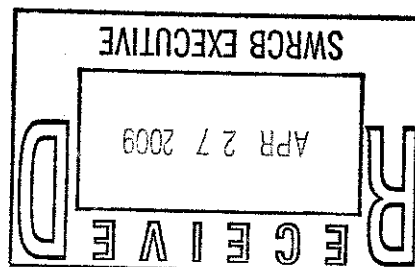
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April 24, 2009

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814
Attn: Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov



SUBJECT: Comment Letter – Landscape Irrigation General Permit

Dear Ms. Townsend:

The Los Angeles Unified School District (District) has reviewed the "Proposed Adoption of a Resolution Approving a Mitigated Negative Declaration Covering Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water and Proposed Adoption of the General Permit." The District understands that the purposes of the proposed Permit are to promote use of recycled water as a safe alternative to potable water for approved uses, and to satisfy the requirements of Water Code section 13552.5 for producers and distributors of recycled water, noted as follows:

1. The Permit serves to streamline the regulatory process for approved uses by: a) defining appropriate types of projects and use areas; and b) establishing requirements to manage recycled water for irrigation uses in a manner protective of public health and the environment.
2. The Permit employs a minimum treatment standard of disinfected tertiary recycled water and exposure control measures, e.g., minimum setback distances, signage, methods of application, use restrictions, and control of cross-connections by users to prevent backflow, thereby protecting against human exposure to recycled water and its waste constituents during and after irrigation, and protecting against health risks associated with contamination of potable water systems.
3. The Permit addresses groundwater protection through effective source control, treatment, and management of salt accumulation, and establishes terms and conditions of discharge to ensure that present and anticipated beneficial uses of groundwater and surface water are not unreasonably affected.
4. In accordance with CEQA requirements, the Permit requires mitigation of environmental impacts through: a) application of recycled water at reasonable agronomic rates considering soil, climate, and nutrient demand; b) management of areas irrigated with recycled water to prevent nuisance breeding of mosquitoes; and c) establishment of a Monitoring and Reporting Program, to include inspections and regular maintenance of areas irrigated with recycled water. Therefore, the State Water Resources Control Board (SWRCB) has determined that this project will have no significant impact on the environment.

The District's evaluation is based upon its potential role as a user of recycled water for public school yards and playfields, with responsibility to protect the health of students, staff, and the general public, and to meet legal obligations to ensure proper usage and management. As such, the District has identified comments regarding the draft Permit requirements, as presented below.

Comment # 1) Please clarify Permit requirements regarding proximity of recycled water pipelines and spray areas to storm drains. Is the fifty foot buffer distance mandatory?

Page 12 of the draft Permit prohibits the direct or indirect discharge from use areas of recycled water to surface waters, unless otherwise authorized by an NPDES permit. The draft Permit also prohibits recycled water application within 50 feet of a domestic well or surface water. However, page 7 of the draft Permit notes that recycled water is sometimes discharged into landscape irrigation impoundments, some of which were originally designed and constructed to collect storm water runoff from surrounding areas and allowed to overflow excess water into nearby drainage ways and creeks. Page 18 of the draft Permit states that "all storm water discharges from recycled water use areas must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies..."

Comment #2) Please establish a consistent Permit definition for "unauthorized discharge" and clarify mandatory reportable volume(s) and reporting timeframes for unauthorized discharges of recycled water. Does "Unauthorized Discharge" include "incidental runoff", such as ponding, windblown spray, unapproved uses or use times, or uses in unapproved areas? If usage rates are 15 gallons per minute, or 900 gallons per hour, will Operation and Maintenance Plans require reporting of unauthorized discharges within one hour and seven minutes (1,000 gallons) or after 55 hours (50,000 gallons)?

Page 3 of the draft Permit, item 5d, defines unauthorized discharges as those "that threaten to create a nuisance (per Water Code section 13050), such as odors, vectors, etc. which include(s) overspray, irrigation and runoff from areas irrigated with recycled water..."

Page 18 of the draft Permit, item #15, states that the "unauthorized discharge of 50,000 gallons or more of 'disinfected tertiary recycled water' shall be reported as described in Provision C.14."

Attachment A of the draft Permit defines unauthorized discharges as "without regard to intent or negligence, not authorized by WDRs issued pursuant to Water Code sections and Master Reclamation Permit."

The Recycled Water User's Manual definition of "unauthorized discharge" is more general, including, "...any release or spill of recycled water that violates the rules and regulations of the Recycled Water Agency of all applicable Federal, State, or local statutes, regulations, ordinances, contracts, or other requirements." The User's Manual, Operations & Maintenance section, also identifies Conditions of Service with which the User must comply, where irrigation systems must be designed, constructed, and operated to minimize to the fullest extent the following conditions: 1) Runoff; 2) Ponding; 3) Windblown Spray leaving the use area; 4) Unapproved Uses; 5) Use in Unapproved Areas; 6) Cross-Connections. Additionally, one section requires designation of

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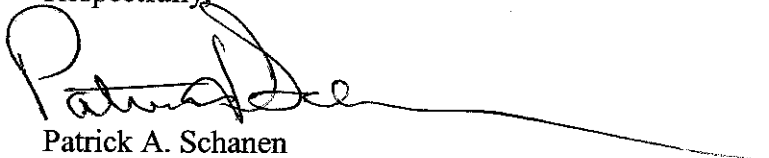
Periods of Operation, and notes that recycled water must never be applied at a rate that is greater than the infiltration rate of the soil. Another requirement specifies need for protection of drinking fountains.

The SWRCB Recycled Water Policy further defines "incidental runoff" as "unintended, small amounts (volume) of runoff...such as minimal over-spray from sprinklers. Water leaving a recycled water use area is not considered "incidental" if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. The Policy requires implementation of an O&M Plan that may apply to multiple sites and provides for detection of leaks, (for example, from broken sprinkler heads), and correction within 72 hours of learning of the runoff, or prior to the release of 1,000 gallons, whichever occurs first.

Comment #3) Please define "Recycled Water Use Area", and clarify the Permit expectation for "daily monitoring of each recycled water use area" by the Distributor, as specified in the draft Permit "Monitoring and Reporting Program" and Attachment F, "Use Area Daily & Annual Reporting Format." Will the draft Permit require the Distributor to conduct daily monitoring for each individual site, or is this requirement for broad areas? If this requirement applies to broad geographic areas, how will varying soil characteristics and plant species be evaluated? How will "equipment malfunctions that may allow irrigation runoff or ponding conditions" be differentiated for different sites within a recycled water use area, e.g., school sites? However, if this monitoring requirement applies to specific individual sites, it seems excessive and impractical.

Please contact me at (213) 792-7603 if you have questions or need additional information. Thank you for this opportunity to comment on the draft Permit.

Respectfully,



Patrick A. Schanen
Deputy Director

cc: Yi Hwa Kim, Interim Director, OEHS
Jay Golida, Office of General Counsel